

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

James Edward Davis
Brenda Jean Davis,

Debtor(s).

C/A No. 15-05030-jw

Chapter 13

**Motion to Enforce Order
Requiring Loss Mitigation**

Debtors, through their attorney, respectfully file this motion for enforcement of the Order requiring Shellpoint Mortgage (hereinafter “creditor”) to process a loan modification via the DMM Portal. In support of the motion, Debtors submit as follows:

1. Debtors’ attorney filed a Notice and Motion for Loss Mitigation/Mediation November 20, 2015. No objections were filed to the motion and an Order Granting Loss Mitigation/Mediation was entered.

4. Debtors uploaded all documents on the DMM Portal December 04, 2015.

5. On December 15, 2015 the creditor opened the file.

6. On February 18, 2016, the creditor provided an incomplete document notice. Debtors’ attorney submitted requested information on March 10, 2016. This process continued until June 22, 2016, when creditor sent notice that the documents were complete.

7. On March 11, 2016, a status hearing was held and Debtors were told that the file was with the underwriters for a review for a loan modification.

8. On June 29, 2016, the loan was denied for a loan modification. According to the denial letter, debtor is ineligible because investor has not given contractual authority to modify the loan under any programs. Apparently the loan was never actually reviewed for modification due the lack of authority.

9. Debtors question the denial based upon a lack of authority because, if that were the actual reason, there would have been no justification to put the Debtors through all of the work and delays over the past 7 months.

WHEREFORE, pursuant to 11 USC 105, Debtors pray that this Honorable Court require

that Shellpoint process the loan modification via the DMM Portal and properly review the loan. Debtors' attorney also asks for attorney fees and sanctions due to creditor's failure to properly process a loan modification on the DMM Portal.

Respectfully submitted.

/s/Eric S. Reed

Eric S. Reed, Fed. I.D. No. 7242

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Attorney for the Debtor

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July 6, 2016

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on today's date, I served, on the attached mailing matrix, by First Class Mail, postage prepaid, Debtors' Motion To Enforce Order Requiring Loss Mitigation.

Riley, Pope and Laney, LLC
PO Box 11412
Columbia, SC 29211

Shellpoint Mortgage Servicing,
PO Box 10826
Greenville, SC 29603

REED LAW FIRM, P.A.

/s/ Tracy Burns
Tracy Burns
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(803) 726-4888

Columbia, South Carolina

July 6, 2016